

IN THE MICHIGAN COURT OF APPEALS

ORDER

Re: **Susan Sutton v Keith Sutton**
Docket No. **267654**
L.C. No. **2004-690260-DM**

William C. Whitbeck, Chief Judge, acting under MCR 7.203(F)(1) and 7.216(A)(10),
orders:

The claim of appeal from the December 14, 2005, order denying appellant's motion to modify spousal support is **DISMISSED** for lack of jurisdiction since the order appealed is a postjudgment order in a domestic relations action that does not affect the custody of a minor. MCR 7.202(6)(a)(i) and 7.203(A)(1). Even if the order was one that could be appealed as a matter of right to this Court, this Court would still lack jurisdiction over the appeal since appellant failed to file the claim within 21 days of the December 2005 order. MCR 7.202(4) and 7.204(A)(1)(a). If appellant still wants to appeal the order in question, he must file a delayed application for leave to appeal under MCR 7.205. See MCR 7.203(B)(1).



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

FEB 03 2006

Date

Sandra Schultz Mengel
Chief Clerk